

## **REMARKS**

Claims 1-15 are pending in the application. Reconsideration is respectfully requested in light of the following remarks.

Claims 1-15 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Gonzales et al., (U.S. Patent Number 6,101,614), (hereinafter “Gonzales”). The Applicants respectfully traverse this rejection.

The Examiner asserts in the Final Office Action that the “Applicant argues that the prior art of record (Gonzales et al.) do not teach a control unit configured to detect in storage unit and to perform a read data from memory.” The Examiner goes on to disagree and assert that “applicant’s concedes on column 3 last paragraph and abstract that Gonzales teach a method and apparatus for automatically scrubbing ECC errors in memory upon detecting correctable errors in data read from a memory through the use of write back path coupled between the outputs of the read and write data buffers of a memory controller.” The Examiner then maintains the prior art rejection based on this assumption.

Applicant respectfully disagrees with the Examiner’s assertions and his characterization of Gonzales. Specifically, Applicant, in fact, did not argue as the Examiner has suggested. More particularly, Applicant argued (as below) that Gonzales does not teach or suggest “responsively perform a subsequent read of said data from said memory subsystem” as recited in Applicant’s claim 1.

In addition, in response to the Examiner’s allegation that Applicant conceded anything. Applicant merely quoted from column 3 of Gonzales (as below) to illustrate what Gonzales actually discloses. Applicant did not agree or concede to anything. To

the contrary, (as below) Applicant argued that it appeared that Gonzales merely discloses a system including features similar to the system disclosed in Applicant's APA.

Applicant's claim 1 recites, in pertinent part,

“an error detection and correction unit coupled to receive said data and configured to determine whether an error exists in said data based upon said associated error correction code;  
wherein said control unit is configured to store an indication in said storage unit that said data corresponding to said memory read request is erroneous; and  
wherein said control unit is further configured to subsequently detect said indication in said storage unit and to **responsively perform a subsequent read of said data from said memory subsystem and to write a corrected version of said data within said memory subsystem**.” (Emphasis added)

Gonzales, at column 3, lines 1-34, discloses “Data read from memory is checked for errors and stored in the data read buffer. If the memory controller detects a correctable ECC error in the read data, it corrects the data as it is being written into the read buffer... the memory control logic issues a memory scrub command... to signal that the corrected data within the read buffer is to be written back to the memory location from which it came... the selected control source then asserts a read strobe to the read data buffer to read the data out of the buffer... the corrected data is written to the location in memory specified by the original read request.” (Emphasis added)

From the foregoing, it appears that Gonzales teaches a system similar to that described in the AAPA [*see background page 1, line 27 through page 2 line 6*]. As such, it appears to the Applicant that Gonzales teaches retaining the corrected data within a read buffer, then writing that corrected data back to memory, which teaches away from the Applicants' invention. Accordingly, Applicant submits Gonzales **neither teaches**

nor suggests “responsively perform a subsequent read of said data from said memory subsystem and to write a corrected version of said data within said memory subsystem” as recited in Applicant’s claim 1.

Applicant further highlights claim 2, which recites “wherein said error detection and correction unit is further configured to provide said corrected version of said data in response to said subsequent read of said data.” Applicant submits this feature is clearly not taught nor fairly suggested by Gonzales.

Thus, Applicant believes claim 1, along with its dependent claims, to patentably distinguish over Gonzales.

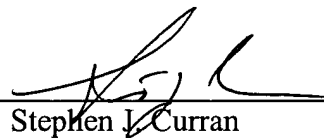
Applicant’s claims 6 and 11 recite features similar to the features recited in claim 1. Therefore, Applicant believes claims 6 and 11, along with their respective dependent claims, to patentably distinguish over Gonzales for at least the reasons given above with respect to claim 1.

## **CONCLUSION**

Applicant submits the application is in condition for allowance, and an early notice to that effect is requested.

If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C. Deposit Account No. 501505/5500-67700/SJC.

Respectfully submitted,



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